

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

United States of America

v.

Jeremiah GARCIA
YOB:2005

Case No.

7:23-mj-1877-2

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of October 25, 2023

in the county of Hidalgo

in the

Southern

District of

Texas

, the defendant(s) violated:

Code Section

Offense Description

Title 18 USC 922(g)(1), 2

It shall unlawful for any person who has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year to possess in or affecting commerce, any firearm or ammunition; or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce; whoever aids, abets an offense is punishable as a principal.

This criminal complaint is based on these facts:

See Attachment A

United States District Court
Southern District of Texas
FILED

OCT 26 2023

Nathan Ochser, Clerk

☒ Continued on the attached sheet.

Approved by AUSA Roberto Lopez

/s/ Brenda V. Leal

Complainant's signature

Brenda V. Leal, ATF Special Agent

Printed name and title

☐ Sworn to telephonically and signed electronically
per Fed.R.Cr.4.1

Date:

10/26/23-8:41am

City and state:

McAllen, Texas

Judge's signature

Printed name and title

V.S. MAGISTRATE JUDGE

ATTACHMENT A

On October 25, 2023, a Hidalgo County Constable conducted a traffic stop on a GMC Yukon driven by Jeremiah GARCIA (hereinafter J. GARCIA). The passenger was later identified as Jesus Maciel GARCIA (hereinafter GARCIA), a convicted felon. As a result of a consent to search, a total of four (4) boxes containing approximately 600 rounds of .50 caliber ammunition was located in the trunk of the aforementioned vehicle. The rounds of ammunition were contained within ammunition tins that were held within ripped delivery parcel packaging. The ammunition tins clearly stated that the contents contained ammunition on the tins themselves.

During a post-Miranda interview of GARCIA, GARCIA made several inconsistent statements regarding his receipt of the .50 caliber rounds of ammunition. GARCIA later stated that he knew that the boxes that were loaded into the Yukon contained ammunition and that he believed the ammunition would later be taken to Mexico by other individuals. GARCIA admitted he knew he was a previously convicted felon that had served several years in state custody for a Texas intoxication assault conviction. GARCIA admitted he knew that as a convicted felon.

During a post-Miranda interview of J. GARCIA, J. GARCIA also made several inconsistent statements regarding the receipt of the .50 caliber rounds of ammunition. J. GARCIA ultimately admitted that he traveled to a residence with his father, where they picked up several boxes that had been delivered. J. GARCIA stated that the boxes were for his father. J. GARCIA stated he observed his father rip the shipping labels off the packages. J. GARCIA stated he picked up the boxes and loaded them into the Yukon for his father. J. GARCIA also claimed that he shook several of the boxes. J. GARCIA claimed that he did not know that the boxes contained ammunition until he was informed of their contents by law enforcement.

J. GARCIA admitted that he knew that his father was a convicted felon and also knew that he had spent several years in state custody for a felony conviction.

The four (4) boxes containing approximately 600 rounds of .50 caliber ammunition were shipped outside the State of Texas. Therefore, the ammunition had previously traveled in interstate or foreign commerce at some point prior to being possessed by any person in the State of Texas.